

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS **FILED**

JUN - 3 2022

KOSOUL CHANTHAKOUMMANE,
Petitioner Pro-Se

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

v.

Civil No: 4:13-cv-00067

BRYAN COLLIER, Director
Texas Department of Criminal Justice,
Correctional Institution Division,
Respondent

ACTIVE EXECUTION DATE FOR AUGUST 17, 2022

PRO-SE MOTION FOR DISMISSAL OF COUNSEL AND APPOINTMENT
OF NEW COUNSEL DUE TO ABANDONMENT AND CONFLICT OF INTEREST
AND REQUEST FOR STAY OF EXECUTION

Comes now, Kosoul Chanthakoummane, Texas Death Row Prisoner, applicant pro-se; here after "Kosoul"; and would present the following facts in this EMERGENCY situation.

I.

Kosoul has an active execution date for August 17, 2022 and he has been abandoned by federal GJA Lead Counsel, Carlo D'Angelo, and is effectively without any legal representation, which is a violation of his Sixth Amendment Right to The U.S. Constitution and violation of § 3599.

On June 28, 2021, Mr. D'Angelo filed a final Writ of Certiorari in the United States Supreme Court and in a telephone conference with him, Mr. D'Angelo stated that he would no longer file any additional applications in Kosoul's case. Since that time Kosoul has written him countless times and have pleaded with him to stop the State of Texas from murdering an INNOCENT man. All attempts to communicate with Mr. D'Angelo have been ignored. Mr. D'Angelo has effectively abandoned Kosoul.

Mr. D'Angelo has also used the excuse that he will not file any "frivolous" motions in an attempt to stop the State of Texas from executing Kosoul. This is a thinly veiled excuse that appointed counsel is using to do any work on Kosoul's case that he will not get paid for.

The fact of the matter is that Kosoul's case is a highly complex case involving different forensic evidence that are now considered "Junk Science" and Kosoul's life is on the line. Because Mr. D'Angelo has taken this stance in Kosoul's case Mr. D'Angelo has created a conflict of interest with his refusal to effectively assist Kosoul in his appeal.

Effectively assisting Kosoul requires Mr. D'Angelo pursuing further forensic analysis/testing and filing of State Court subsequent habeas writ/application because there are real merit based factual issues that must be pursued before the State of Texas succeeds in executing Kosoul, an INNOCENT man. Kosoul's Sixth Amendment and § 3599 requires Mr. D'Angelo to competently represent him until Kosoul's case is "disposed of." Kosoul's case will not be disposed of until every possibility /option has been exhausted in attempting to stop his execution from going forward and he is dead. *Battaglia v. Stephens*, 824 F.3d 470 (5th Cir. 2016).

II

On February 10, 2022, Eric Allen, was appointed as co-counsel substitute on Kosoul's case by this Court. But this Court effectively ties Mr. Allen's hands behind his back in limiting Mr. Allen's scope of work to federal filings / clemency / Etc... and not allowing him to provide legal counsel in the form of investigating, preparing and filing of a State Court motion(s) and for habeas writ. (Dkt. #51) This government created impediment is effectively preventing my Court appointed counsel to represent me as required by the Sixth Amendment and § 3599 requires.

Because lead Counsel Mr. D'Angelo has refused to fulfill his duties as GJA counsel and co-counsel Mr. Allen is prevented by this Court to represent in an effective manner assist Kosoul in State Court, he has been abandoned by his legal counsel and is without any counsel at all.

This is an EMERGENCY situation because there is less than 91 days until Kosoul's scheduled execution. For this reason, Kosoul requests this Court to issue a STAY OF EXECUTION which will allow this Court to appoint new competent Lead Counsel and give this new attorney time to become familiar with Kosoul's complex case.

III

FOR THIS REASON, Kosoul respectfully request this Court to issue a STAY OF EXECUTION, and to appoint new Lead GJA Counsel to competently and pursue other means of relief this Court deems Kosoul is entitled to receive.

Respectfully submitted,


Thursday, 26th, May 2022

Kasoul Chanthakoummane #999529

Pafunsky unit

3872 FM 350 South

Livingston, TX 77351

C.C.

Carlo D'Angelo

100 East Ferguson Street, Suite 1210

Tyler, TX 75702

Tel: (903) 595-6776

Fax: (903) 407-4119

Greg Willis

Collin County District Attorney

2100 Bloomdale Road, Suite 200

Tel: (972) 548-4323

Fax (972) 548-4324

Texas Attorney General Office of Capital Writs

Attn: Fredericka Sargent, Assistant Attorney General

P.O. Box 12548

Capitol Station

Austin, TX 78711-2548

